

Civil Enforcement Case Report

Civil Enforcement Case

Basic Information

Case Number: 04-2014-1505
Case Name: E.I. DU PONT NEMOURS AND COMPANY
Case Category: Administrative - Formal
Case Status (as of 07/02/2014): Closed
Case Lead: EPA
Court Docket Number: CAA-04-2014-1505(b)
DOJ Docket Number: --

Relief Sought: --

Enforcement Outcome: Final Order With Penalty

Headquarters Division: --

Branch: --

Result of Voluntary Disclosure? No

Multi-media Case? --

Enforcement Type: CAA 113D1 Action For Penalty

Violations: Risk Management Plan - CAA

Penalties – Case Level

Total Federal Penalty Assessed or Agreed To: \$3,500

Total State/Local Penalty Assessed: \$0

Total SEP Cost: \$13,248

Total Compliance Action Cost: \$100

Total Cost Recovery: \$0

Case Summary

6/12/2014 - CONSENT AGREEMENT AND FINAL ORDER ISSUED, ASSESSING A PENALTY OF \$3,500. RESPONDENT SHALL MAKE PAYMENT WITHIN THIRTY DAYS. RESPONDENT ALSO AGREES TO COMPLETE A SEP. ORDER ALLEGES: BASED ON AN RMP PROGRAM COMPLIANCE MONITORING INVESTIGATION ON OCTOBER 16-17, 2012, THE EPA ALLEGES THAT THE RESPONDENT VIOLATED THE CODIFIED RULES GOVERNING THE CAA CHEMICAL ACCIDENT PREVENTION PROVISIONS, BECAUSE RESPONDENT DID NOT ADEQUATELY IMPLEMENT PROVISIONS OF 40 CFR PART 68 WHEN IT: FAILED TO CERTIFY ANNUALLY THAT OPERATING PROCEDURES ARE CURRENT AND ACCURATE AS REQUIRED BY 40 CFR SECTION 68.69(a); FAILED TO INCLUDE ON THE REGISTRATION FORM, THE CORRECT MAXIMUM QUANTITY (IN POUNDS) OF EACH REGULATED SUBSTANCE IN THE RAILCAR STORAGE PROCESS AS REQUIRED BY 40 CFR SECTION 68.160(b)(7); FAILED TO SUBMIT A CORRECTED RMP WITHIN ONE MONTH OF ANY CHANGE IN THE EMERGENCY CONTACT INFORMATION AS REQUIRED BY 40 CFR SECTION 68.195(b).

Laws and Sections

| Law | Sections | Programs |
|-----|---------------|---|
| CAA | 112[R] [7] | Prevention of Accidental Release/Risk Management Plans (RMPs) |

Citations

| Title | Part | Section |
|--------------------------|------|---------|
| No data records returned | | |

Facilities

| FRS Number | Facility Name | Address | City Name | State | Zip | SIC Codes | NAIC Codes |
|--------------|---------------------------------------|----------------|-----------|-------|-------|--------------|------------|
| 110000379876 | DU PONT WURLAND PLANT | 400 HARRIS RD. | WURLAND | KY | 41144 | 2819 2822 | 325188 |
| 110000379876 | E I DUPONT DE NEMOURS - WURLAND PLANT | 400 HARRIS RD | GREENUP | KY | 41144 | 2819 2822 | 325188 |

Defendants

| Defendants and Settlements | In Complaint | In Settlement |
|----------------------------------|--------------|---------------|
| E.I. DU PONT NEMOURS AND COMPANY | Y | Y |

Related Case Documents

| Document | Facility Name | Publish Date | EPA Program |
|--------------------------|---------------|--------------|-------------|
| No data records returned | | | |

Case Milestones

| Event | Actual Date |
|---------------------------------|-------------|
| Final Order Issued | 06/12/2014 |
| Complaint Filed/Proposed Order | 06/12/2014 |
| Enforcement Action Data Entered | 06/18/2014 |
| Enforcement Action Closed | 07/02/2014 |

Pollutants

| Pollutant Name | Chemical Abstract Number |
|--------------------------|--------------------------|
| No data records returned | |

Related Activities

| Description | Actual Date |
|--------------------------|-------------|
| No data records returned | |

Final Order 1

Final Order Type: Administrative Penalty Order With or Without Injunctive Relief

Final Order Name: E.I. DU PONT NEMOURS AND COMPANY

Linked Facilities (FRS ID): 110000379876

Final Order Lodged Date: --

Final Order Entered Date: 06/12/2014

Enforcement Action Closed Date: 07/02/2014

Actual Termination Date: --

Penalties/SEPs/Cost Recovery Amounts

Federal Penalty Assessed or Agreed To: \$3,500

State/Local Penalty Assessed: --

SEP Value: \$13,248

Compliance Action Cost: \$100

Federal Cost Recovery Awarded: \$0

Complying Actions

| Complying Action ID | Category | Description |
|---------------------|----------|-------------|
|---------------------|----------|-------------|

| Complying Action ID | Category | Description |
|---------------------|-------------------------------|----------------------------------|
| 3400016848 | Prevention of Future Releases | Risk Management Plan Implemented |

Supplemental Environmental Projects

| SEP ID | Category | SEP Value | Description |
|------------|-------------------------------------|-----------|--|
| 3400003083 | Emergency Planning and Preparedness | \$13,248 | DONATION OF EQUIPMENT TO THE WURLAND FIRE DEPARTMENT |

Pollutant Reductions

| Resulting From | Pollutant | Annual Amount | Units | Media Affected |
|------------------|-----------------|---------------|-------|----------------|
| CA ID 3400016848 | Sulfur trioxide | 558,000 | lbs | Air |
| CA ID 3400016848 | Hydrogen | 250,000 | lbs | Air |
| CA ID 3400016848 | Sulfuric acid | 4,320,000 | lbs | Air |